

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Anne Marie Rasmusson,

Civil No. 12-632 SRN/JSM

Plaintiff,

vs.

City of Bloomington; City of Burnsville;  
City of Cottage Grove; City of Eagan;  
City of Eden Prairie; City of Lakeville; City of  
Minneapolis; City of Minnetonka; City of St. Paul;  
Ramsey County; University of Minnesota;  
Charles Gollop, acting in his individual  
capacity as a Sergeant of the Bloomington Police  
Department; Sean Sweeney, acting in his individual  
capacity as an Officer of the City of Eagan Police  
Department; Zachary Hessel, acting in his  
individual capacity as an Officer of the Eden Prairie  
Police Department; Christopher Millard, acting in  
his individual capacity as an Officer of the Eden  
Prairie Police Department; Carter Staaf, acting in  
his individual capacity as a Sergeant of the Eden  
Prairie Police Department; Chris Erickson, acting in  
his individual capacity as a Lieutenant of the Minnesota  
State Patrol; Dean Grothem, acting in his individual  
capacity as a Trooper of the Minnesota State Patrol;  
Michael Campion, acting in his individual capacity as  
Commissioner of the Minnesota Department of  
Public Safety; Mona Dohman, acting in her  
Individual capacity as Commissioner of the Minnesota  
Department of Public Safety; John and Jane Does (1-120)  
acting in their individual capacity as supervisors, officers,  
deputies, staff, investigators, employees or agents of  
the other named law enforcement agencies; and  
Entity Does (1-20) including cities, counties,  
municipalities, and other entities sited in Minnesota  
and federal departments and agencies,

Defendants.

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## ANSWER TO COMPLAINT

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COME NOW Defendants City of Bloomington, City of Burnsville, City of Cottage Grove, City of Eagan, City of Eden Prairie, City of Lakeville, City of Minnetonka, for their Joint and Individual Answer to Plaintiff's Complaint, state and allege as follows:

1. Unless hereafter admitted, qualified or otherwise answered, these answering Defendants deny each and every thing, matter and particular alleged in Plaintiff's Complaint or otherwise.

2. These answering Defendants admit generally federal questions should be resolved in federal court; however, the alleged actions do not rise to the level of a constitutional deprivation and, therefore, these answering Defendants deny jurisdiction of this court as alleged in paragraph 2 of Plaintiff's Complaint.

3. These answering Defendants admit they are municipalities under Minn. Stat. § 466.01.

4. These answering Defendants affirmatively allege they are not authorized to release private personnel data on their employees in violation of the Minnesota Data Practices Act.

5. These answering Defendants specifically deny Plaintiff's claim of damages and demand strict proof thereof.

6. These answering Defendants specifically deny the alleged violations of the DPPA, 18 U.S.C. § 2721 as alleged in Count I of Plaintiff's Complaint.

7. These answering Defendants specifically deny they knowingly authorized, directed, ratified, approved, acquiesced in, committed or participated in obtaining, disclosing or using of Rasmusson's private personnel information.

8. These answering Defendants specifically deny a willful and reckless disregard to the law as alleged in paragraph 149 of Plaintiff's Complaint.

9. These answering Defendants specifically deny the baseline of liquidated damages under the DPPA for each violation as alleged in paragraph 150 of Plaintiff's Complaint.

10. These answering Defendants affirmatively allege the allegations in Counts II and IV do not pertain to these answering Defendants.

11. These answering Defendants specifically deny Plaintiff has set forth a proper *Monell* claim and, further, deny there are unconstitutional policies, customs, or practices of allowing improper access to individuals' private information as alleged in Count III of Plaintiff's Complaint.

12. These answering Defendants specifically deny they authorized the accessing of private information without a legitimate purpose.

13. These answering Defendants deny they knew or should have known of improper access to private information by law enforcement personnel.

14. These answering Defendants specifically deny they acted with deliberate indifference to the rights of citizens.

15. These answering Defendants specifically deny actual or constructive knowledge of improper practices.

16. These answering Defendants specifically deny Plaintiff's claim for failure to train, monitor, supervise and properly discipline. These answering Defendants further state their policies prohibit accessing private information for a non-legitimate purpose.

17. These answering Defendants specifically deny the allegations in Count V of Plaintiff's Complaint.

18. These answering Defendants affirmatively allege Plaintiff's Complaint fails to state a cause of action upon which relief can be granted.

19. These answering Defendants affirmatively allege the state tort allegations in Plaintiff's Complaint set forth a cause of action for the performance or failure to perform a discretionary function or duty and this action is barred by Minn. Stat. § 466.03, Subd. 6.

20. These answering Defendants affirmatively allege Plaintiff's claims are barred by the doctrines of qualified, statutory and official immunity.

**WHEREFORE**, these answering Defendants pray Plaintiff take nothing by this claim for relief herein; that these answering Defendants be given judgment against Plaintiff, dismissing Plaintiff's cause of action with prejudice; that Defendants be given judgment for costs, disbursements and attorney's fees herein pursuant to 42 U.S.C. § 1988 and for such other relief as the Court may deem just and equitable.

IVERSON REUVERS

Dated: April 3, 2012

By s/Susan M. Tindal

Jon K. Iverson (#146389)

Susan M. Tindal (#330875)

*Attorneys for Defendants Cities of  
Bloomington, Burnsville, Cottage  
Grove, Eagan, Eden Prairie,  
Lakeville, and Minnetonka*

9321 Ensign Avenue South

Bloomington, MN 55438

(952) 548-7200